

Public Notice

Fort Worth District Perr Date	it Application No.: <u>SWF-2007-00281</u> June 13, 2011
wor com deci	ourpose of this public notice is to inform you of a proposal for in which you might be interested. It is also to solicit your nents and information to better enable us to make a reasonable ion on factors affecting the public interest. We hope you will cipate in this process.
an in Orig coas wate our	e its early history, the U.S. Army Corps of Engineers has played aportant role in the development of the nation's water resources nally, this involved construction of harbor fortifications and all defenses. Later duties included the improvement of tways to provide avenues of commerce. An important part of hission today is the protection of the nation's waterways through dministration of the U.S. Army Corps of Engineers Regulatory ram.
Sector regularity cape	U.S. Army Corps of Engineers is directed by Congress under on 10 of the Rivers and Harbors of 1899 (33 USC 403) to ate all work or structures in or affecting the course, condition or city of navigable waters of the United States. The intent of this is to protect the navigable capacity of waters important to state commerce.
Section of contraction of contractio	U.S. Army Corps of Engineers is directed by Congress under on 404 of the Clean Water Act (33 USC 1344) to regulate the arge of dredged and fill material into all waters of the United s, including wetlands. The intent of the law is to protect the n's waters from the indiscriminate discharge of material capable susing pollution and to restore and maintain their chemical cal and biological integrity.
	e: Mr. Scott Kelly

JOINT PUBLIC NOTICE

U.S. ARMY CORPS OF ENGINEERS, FORT WORTH DISTRICT

AND

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

SUBJECT: Application for a Department of the Army Permit under Section 404 of the Clean Water Act (CWA) and for water quality certification under Section 401 of the CWA to discharge dredged and fill material into waters of the United States associated with the construction of Phase II of Stonebrook Parkway from Legacy Drive to Longhorn Trail in the City of Frisco within Denton and Collin Counties.

APPLICANT: City of Frisco

APPLICATION NUMBER: SWF-2007-00281

DATE ISSUED: June 13, 2011

LOCATION: The proposed Stonebrook Parkway would extend for a distance of approximately 3,800 feet from Legacy Drive in Frisco within Denton County to Longhorn Trail in Frisco, Collin County, Texas. The proposed project would be located approximately at UTM coordinates 701416 East and 3667931 North (Zone 14) on the Frisco 7.5-minute USGS quadrangle map in the USGS Hydrologic Unit 12030103. The Project Location Map (Sheet 1 of 13) shows the location of the project within the City of Frisco.

OTHER AGENCY AUTHORIZATIONS: State Water Quality Certification

PROJECT DESCRIPTION: The City of Frisco proposes to discharge approximately 2,496 cubic yards of permanent fill material into 1.49 acres of waters of the U.S., including wetlands in conjunction with constrction of Phase II of the Stonebrook Parkway project. Overall, the project would result in adverse impacts to approximately 3.64 acres of waters of the United States. Direct adverse impacts resulting from construction would include 0.59 acre of non-forested wetlands, 0.12 acre of perennial stream (220 linear feet), 0.31 acre of intermittent stream (1,478 linear feet), 0.06 acre of ephemeral stream (919 linear feet), and 0.41 acre of a seasonally impounded open water. Indirect adverse impacts resulting from construction would include 1.42 acres of non-forested wetlands, 0.63 acre of intermittent stream (3,571 linear feet), 0.05 acre of ephemeral stream (191 linear feet), and 0.05 acre of a seasonally impounded open water totaling 2.15 acres. The location of the waters of U.S., including wetlands, is illustrated in the Sheet Layout (Sheet 2 of 13).

Phase I consists of the construction of Stonebrook Parkway from Legacy Drive to Fighting Eagles Lane, a distance of approximately 1,800 feet, which includes a bridge over Stewart Creek. Phase II, which is being evaluated and is described in this Public Notice would consist of the construction of the roadway from Fighting Eagles Lane east to the existing Stonebrook Parkway, a distance of approximately 2,000 feet, which includes drainage improvements, construction of a shoo-fly railroad track, and culvert installation. A shoo-fly railroad track is a parallel track utilized to by-pass a section of railroad tracks.

In Phase I, currently under construction, a bridge will span Stewart Creek starting 500 ft east of Legacy Drive. The bridge structure is approximately 500 feet in length. The bridge over Stewart Creek for Stonebrook Parkway would have minimal impacts on waters of the U.S., including wetlands, and is being constructed utilizing Nationwide Permit (NWP) 14. The bridge crossing permanent impacts to Stewart Creek are less than 0.01 acre resulting from the placement of bridge columns at the edge of the OHWM. In addition, a water line and wastewater line that are independent of the Stonebrook Parkway project would be constructed along the Stonebrook Parkway alignment in accordance with NWP 12.

Proposed activities associated with Phase II would include the construction of an ultimate six-lane (three travel lanes in each direction) divided roadway (Stonebrook Parkway) from Legacy Drive in Denton County to Longhorn Trail in Collin County, a distance of approximately 3,800 feet (ft). A grass median and/or traffic barrier would separate the east and west bound lanes. The right-of-way (ROW) width for the project varies from approximately 120 ft to 220 ft.

The need for the proposed project is to improve mobility and circulation and help promote and maintain economic vitality in the City of Frisco and surrounding areas by providing connectivity to and from residential areas, parks, other public facilities, and areas zoned for future commercial development. The purpose of the proposed project is to provide a new primary route within the growing urban arterial roadway network serving portions of Denton and Collin Counties by connecting existing segments of a major thoroughfare. The proposed project is necessary in order to provide a major link in the transportation network within the City of Frisco. Construction of the proposed Stonebrook Parkway, classified as "Major Thoroughfare A", is part of the City of Frisco's 2006 Comprehensive Plan. The Project Location Map (Sheet 1 of 13) shows the location of the project within the City of Frisco.

The proposed project begins at the terminus of Stonebrook Parkway at Legacy Drive in Denton County. From this point, the proposed alignment travels in an easterly direction for approximately 1,300 ft. It curves toward the southeast continuing for approximately 500 ft to the intersection with the proposed Fighting Eagles Lane (Cabazon Lane). The proposed alignment then continues in a southeasterly direction for approximately 900 ft, curving to the east and crossing under the Burlington Northern and Santa Fe (BNSF) Railroad. It continues easterly for approximately 500 ft and then curves slightly to the northeast and continues for approximately 600 ft until connecting with the existing Stonebrook Parkway at Longhorn Trail in Collin County. The entire project would be located on new alignment and would be constructed in two phases.

In Phase II, from Fighting Eagles Lane to east of the railroad, the proposed project would be constructed at below-grade to allow it to pass under the railroad tracks. The shoo-fly railroad track would be constructed parallel to the east of the existing BNSF Railroad track to facilitate the construction of the roadway project going under the existing railroad ROW. The existing and proposed railroad tracks would be bridged allowing Stonebrook Parkway to pass under the existing BNSF Railroad tracks and ROW. During the construction of the shoo-fly a permanent multiple box culvert would be placed in the tributary of Stewart Creek where the current BNSF Railroad crosses the stream. The tributary of Stewart Creek from the BNSF Railroad to the proposed Stonebrook Parkway would be re-aligned. A combination of rip-rap and gabions would be utilized along the side slopes and bottom of the re-aligned tributary. At the proposed Stonebrook Parkway, the tributary of Stewart Creek would be diverted into a culvert on the south side of Stonebrook Parkway through a storm sewer pipe (culvert) which would parallel the roadway on the south side for a distance of approximately 1,600 feet. At this point the culvert would outfall into an approximately 440-foot grass-lined drainage channel which would merge with Stewart Creek. The bottom width of the grass-lined drainage channel would be approximately 50 feet with a nine foot pilot channel. The drainage channel would merge with Stewart Creek at an angle to reduce downstream erosion concerns. Concrete gabions would be placed along the slope of Stewart Creek and the drainage channel where the two systems merge together. Rip-rap would also be placed within the ordinary high water mark of Stewart Creek for approximately 200 feet south of the merge with the drainage channel. The rip-rap would be placed in the bottom of Stewart Creek to reduce water velocities and reduce erosion concerns.

The proposed project area includes a segment of Stewart Creek. Stewart Creek is a perennial tributary of Lewisville Lake with an ordinary high water mark (OHWM) height of approximately 12 to 48 inches and the width is approximately 14 to 40 feet. This water is mapped in the NWI as a broad-leaf deciduous palustrine forest that is a temporarily flooded feature (PFO1A). The stream flows in a southerly direction and extends beyond the ROW and flows through Lewisville Lake before its confluence with the Elm Fork Trinity River. The Elm Fork Trinity River flows into the Trinity River, a traditional navigable water. Numerous ephemeral and intermittent tributaries of Stewart Creek are also present within the proposed project area. The vegetation associated with these tributaries varies between herbaceous vegetation and riparian woodland.

Several beaver dams were identified which involve tributaries to Stewart Creek and associated emergent wetlands. The beaver activity within the unnamed tributary of Stewart Creek occurs at different locations along the tributary causing the system to overflow its normal banks. The overflowing of the normal banks has caused the channel to become braided in areas and ultimately causes ponding during heavy rain events.

Other waters present include a seasonally flooded impoundment that extends beyond the proposed ROW for Stonebrook Parkway, but is within the proposed project area. The OHWM height is approximately two to 24 inches and the width is approximately 30 to 50 feet. The associated vegetation is riparian woodland. An upland drainage ditch is located within the proposed project area

and outside the 100-year floodplain. The drainage ditch flows in a westerly direction following the eastern BNSF railroad ROW. The OHWM height is approximately two to six inches and the width is approximately two to six feet. The associated vegetation is herbaceous.

Emergent wetlands and isolated emergent wetlands are located adjacent to and are associated with Stewart Creek and its tributaries within the proposed project area. These emergent wetlands are dominated by grasses and other herbaceous vegetation associated with locales inundated for some time during the year with water. The dominant species consists of switch grass (*Panicum virgatum*), cockleburs (*Xanthium strumarium*), cattails (*Typha angustifolia*), rushes (*Eleocharis sp.*), and sedges (*Cyperus sp.*). The isolated emergent wetlands are dominated by grasses and other herbaceous material associated with locales inundated for some time during the year with water. These features are not within a 100-year floodplain and are not adjacent to a Water of the U.S. The dominant species consists of Canada wildrye (*Elymus Canadensis*), smartweed (*Polygonum hydropiperoides*), rushes, and sedges. An Isolated Emergent Wetlands is also associated with the upland drainage ditch that runs along the eastern ROW for the BNSF Railroad. It is located outside the 100-year floodplain.

The applicants considered several alternatives to the proposed project and included the following:

Only the no-build alternative would completely avoid impacts to the waters of the U.S., including wetlands, which would be impacted by the proposed project. Because this alternative did not meet the purpose and need of the project, it was eliminated from further consideration.

Alternatives 1 and 2 were analyzed during the planning and design process. The build alternatives that were considered followed the same general corridor from Legacy Drive to Longhorn Trail. The existing Stonebrook Parkway terminates at Legacy Drive in Denton County and at Longhorn Trail in Collin County. Both alternatives would require a bridge over Water 1 (Stewart Creek). The proposed alignment is illustrated in the Sheet Layout (Sheet 2 of 13).

In Alternative 1, applicant's preferred alternative, the roadway would be designed to go under the BNSF Railroad tracks and ROW. A bridge would be designed to cross over Stewart Creek at the west portion of the project. This alternative would not result in impacts to the residential areas located adjacent to the project.

In Alternative 2, the proposed road would be bridged over the BNSF Railroad tracks and ROW and the tributary of Stewart Creek. The distance of a bridge to meet the appropriate height requirements over a railroad ROW (greater than 23 feet) and to avoid waters of the U.S., including wetlands, would measure approximately 2,700 feet. The bridge, at the required height for railroad clearance, would result in noise impacts to nearby receptors, including existing residential areas located to the east and west of the BNSF railroad. The cost of constructing such a bridge would render economically infeasible for the City of Frisco. Alternative 2 would cost approximately \$8 to 10 million more to construct than Alternative 1 and this is primarily due to the bridge in Alternative 2.

Iterations of Alternative 1 that were considered included moving the alignment toward the north or south of the applicant's preferred alternative alignment. These alternatives were determined not to be feasible due to the proximity of existing residential areas. In addition, these alternatives would result in a safety risk under the current city guidelines for roadway design and encroachment issues that would not make the roadway design feasible. Also, moving the proposed facility to the north or south would not alleviate impacts to waters of the U.S., including wetlands.

Shifting the alignment (Alternative 1) to the north would result in a displacement of some residents within a residential neighborhood located directly east of the BNSF Railroad tracks. This alignment shift would also impact wetland areas north of the proposed route and would continue to affect Water 2 (unnamed tributary to Stewart Creek). Shifting the alignment to the south would also result in a displacement of some residences and would not avoid impacts to wetlands and Water 2.

The applicant selected Alternative 1 given the constraints of the current location of the existing Stonebrook Parkway termini, impacts to residential areas, and additional impacts to other waters of the U.S., including wetlands. Because the proposed Stonebrook Parkway would be constructed at below grade under the railroad, it would remain below grade at its intersection with several of the water and wetland features west of the railroad. A culvert would be constructed on the north side of Stonebrook Parkway underneath the railroad ROW and runoff from the north side of Stonebrook Parkway, the adjacent neighborhood, and from the railroad ROW would outfall into the stream and wetland features north of the proposed roadway. This runoff would filter through the wetlands north of Stonebrook Parkway before flowing through the existing streams to Stewart Creek. These stream segments and adjacent areas that would no longer be connected to the relocated stream channel would continue to operate as open water areas which would provide various functions including floodwater attenuation and habitat for a variety of fishes, reptiles, amphibians, aquatic invertebrates, birds, insects, and small mammals.

A total of 4.49 acres of waters of the U.S., including wetlands, exist within the proposed project area, of which approximately 3.64 acres would be adversely impacted. To mitigate for 3.64 acres of unavoidable impacts to waters of United States, the applicant proposes to by purchase credits from an approved mitigation bank.

PUBLIC INTEREST REVIEW FACTORS: This application will be reviewed in accordance with 33 CFR 320-332, the Regulatory Program of the U. S. Army Corps of Engineers (USACE), and other pertinent laws, regulations, and executive orders. Our evaluation will also follow the guidelines published by the U. S. Environmental Protection Agency pursuant to Section 404(b)(1) of the CWA. The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impact, of the proposed activity on the public interest. That decision will reflect the national concerns for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including its cumulative effects. Among the factors addressed are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and

wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The USACE is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the USACE in determining whether to issue, issue with modifications, or conditions, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

STATE WATER QUALITY CERTIFICATION: This project would result in a direct impact of greater than three acres of waters of the state or 1,500 linear feet of streams (or a combination of the two is above the threshold), and as such would not fulfill Tier I criteria for the project. Therefore, Texas Commission on Environmental Quality (TCEQ) certification is required. Concurrent with USACE processing of this Department of the Army application, the TCEQ is reviewing this application under Section 401 of the Clean Water Act, and Title 30, Texas Administrative Code Section 279.1-13 to determine if the work would comply with State water quality standards. By virtue of an agreement between the USACE and the TCEQ, this public notice is also issued for the purpose of advising all known interested persons that there is pending before the TCEQ a decision on water quality certification under such act. Any comments concerning this application may be submitted to the Texas Commission on Environmental Quality, 401 Coordinator, MSC-150, P.O. Box 13087, Austin, Texas 78711-3087. The public comment period extends 30 days from the date of publication of this notice. A copy of the public notice with a description of the work is made available for review in the TCEQ's Austin Office. The complete application may be reviewed in the USACE's office. The TCEQ may conduct a public hearing to consider all comments concerning water quality if requested in writing. A request for a public hearing must contain the following information: the name, mailing address, application number, or other recognizable reference to the application; a brief description of the interest of the requestor, or of persons represented by the requestor; and a brief description of how the application, if granted, would adversely affect such interest.

ENDANGERED AND THREATENED SPECIES: The USACE has reviewed the U.S. Fish and Wildlife Service's latest published version of endangered and threatened species to determine if any may occur in the project area. The proposed project would be located in two counties (Collin County and Denton County) where endangered and threatened bird species are known to occur or may occur as migrants. The bald eagle (*Haliaeetus leucocephalus*) and whooping crane (*Grus americana*) are both known to occur with Collin and Denton Counties. Additionally, the least tern (*Sterna*

antillarum) and piping plover (*Charadrius melodus*) are known to occur in Denton County. The bald eagle is currently a delisted Taxon, considered recovered, and is being monitored for five years following this listing. The whooping crane, least tern, and piping plover are endangered species. Our initial review indicates that the proposed work would have no effect on federally-listed endangered and threatened species.

NATIONAL REGISTER OF HISTORIC PLACES: The proposed project area was surveyed for the presence of historic and prehistoric sites. Four previously documented archeological sites are within 1 mile of the proposed project. Of these locations, one site (41DN351) is located at the western end of the project area. The investigation of site 41DN351 revealed that the only remaining traces are located outside the project area. An archeological investigation of the proposed project area under Texas Antiquities Permit #4950 identified two archeological resources within the proposed project area. These were a minor dump locality and a single isolated positive shovel test unit that yielded fragments of bone from a large terrestrial mammal, perhaps from a cow or bison. Neither of these resources would be considered eligible for inclusion in the National Register of Historic Places or for designation as a State Archeological Landmark.

FLOODPLAIN MANAGEMENT: The USACE is sending a copy of this public notice to the local floodplain administrator. In accordance with 44 CFR part 60 (Flood Plain Management Regulations Criteria for Land Management and Use), the floodplain administrators of participating communities are required to review all proposed development to determine if a floodplain development permit is required and maintain records of such review.

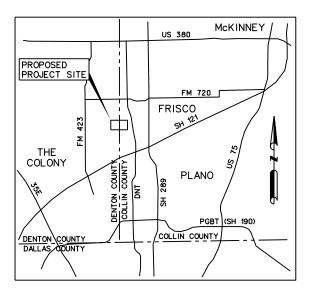
SOLICITATION OF COMMENTS: The public notice is being distributed to all known interested persons in order to assist in developing fact upon which a decision by the USACE may be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition.

PUBLIC HEARING: Prior to the close of the comment period any person may make a written request for a public hearing setting forth the particular reasons for the request. The District Engineer will determine whether the issues raised are substantial and should be considered in his permit decision. If a public hearing is warranted, all known interested persons will be notified of the time, date, and location.

CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before July 13, 2011, which is the close of the comment period. Extensions of the comment period may be granted for valid reasons provided a written request is received by the limiting date. If no comments are received by that date, it will be considered that there are no objections. Comments and requests for additional information should be submitted to; Regulatory Branch, CESWF-PER-R; U. S. Army Corps of Engineers; Post Office Box 17300; Fort Worth, Texas 76102-0300. You may visit the Regulatory Branch in Room 3A37 of the Federal Building at 819 Taylor Street in Fort Worth between 8:00 A.M. and 3:30 P.M., Monday through Friday.

Telephone inquiries should be directed to (817) 886-1731. Please note that names and addresses of those who submit comments in response to this public notice may be made publicly available.

DISTRICT ENGINEER FORT WORTH DISTRICT CORPS OF ENGINEERS



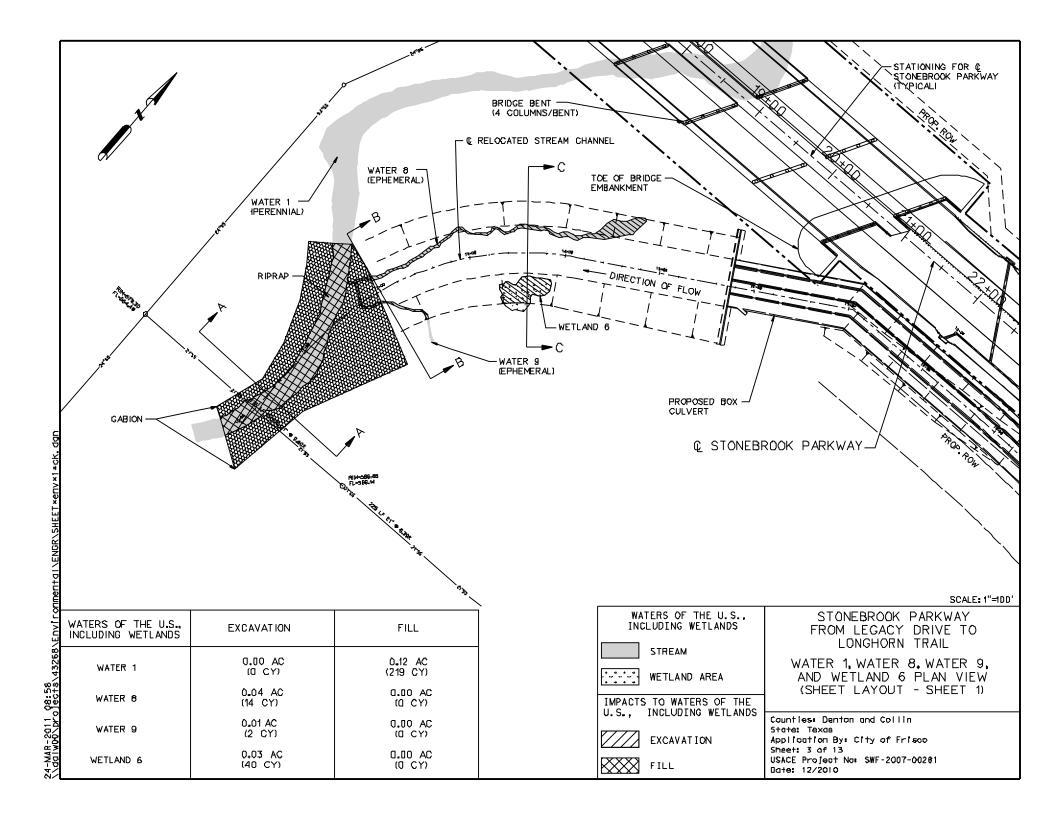
VICINITY MAP

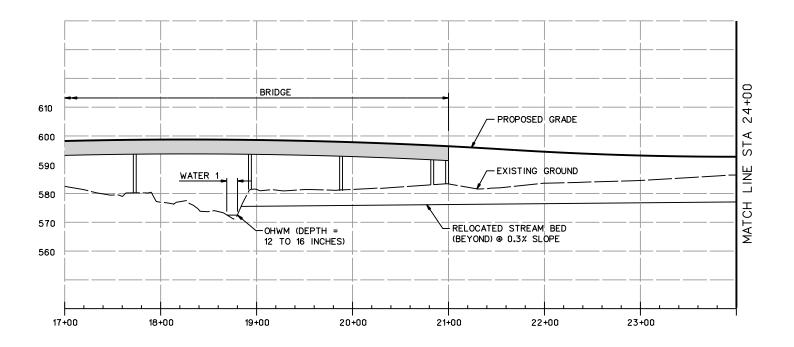
NOT TO SCALE

STONEBROOK PARKWAY FROM LEGACY DRIVE TO LONGHORN TRAIL

PROJECT LOCATION MAP

Counties: Denton and Collin State: Texas Application By: City of Frisco Sheet: 1 of 13 USACE Project No: SWF-2007-00281 Date: 12/2010



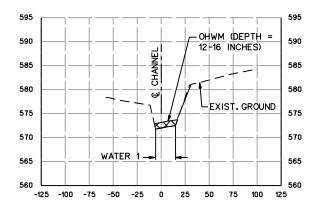


SCALE: HORIZ 1"=100' VERT 1"=30'

STONEBROOK PARKWAY FROM LEGACY DRIVE TO LONGHORN TRAIL

> WATER 1 PROFILE VIEW

Counties: Denton and Collin State: Texas Application By: City of Frisco Sheet: 4 of 13 USACE Project No: SWF-2007-00281 Date: 12/2010



SECTION 'A-A' & CHANNEL STA 10+40

SCALE: HORIZ 1"=100' VERT 1"=20'

STONEBROOK PARKWAY FROM LEGACY DRIVE TO LONGHORN TRAIL

WATER 1 CROSS SECTION 'A-A'

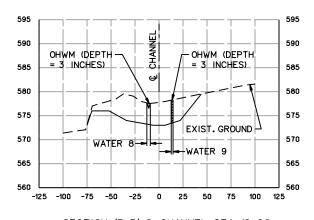
IMPACTS TO WATERS OF THE U.S., INCLUDING WETLANDS



EXCAVATION



Counties: Denton and Collin State: Texas Application By: City of Frisco Sheet: 5 of 13 USACE Project No: SWF-2007-00281 Date: 12/2010



SECTION 'B-B' C CHANNEL STA 12+00

SCALE: HORIZ 1"=100" VERT 1"=20'

STONEBROOK PARKWAY FROM LEGACY DRIVE TO LONGHORN TRAIL

WATER 8 AND WATER 9 CROSS SECTION 'B-B'

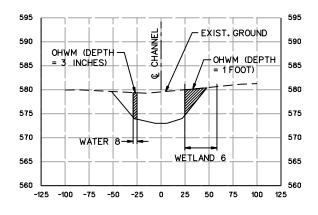
IMPACTS TO WATERS OF THE U.S., INCLUDING WETLANDS



EXCAVATION



Counties: Denton and Collin State: Texas Application By: City of Frisco Sheet: 6 of 13 USACE Project No: SWF-2007-00281 Date: 12/2010



SECTION 'C-C' @ CHANNEL STA 13+60

SCALE: HORIZ 1"=100" VERT 1"=20'

STONEBROOK PARKWAY FROM LEGACY DRIVE TO LONGHORN TRAIL

WATER 8 AND WETLAND 6 CROSS SECTION 'C-C'

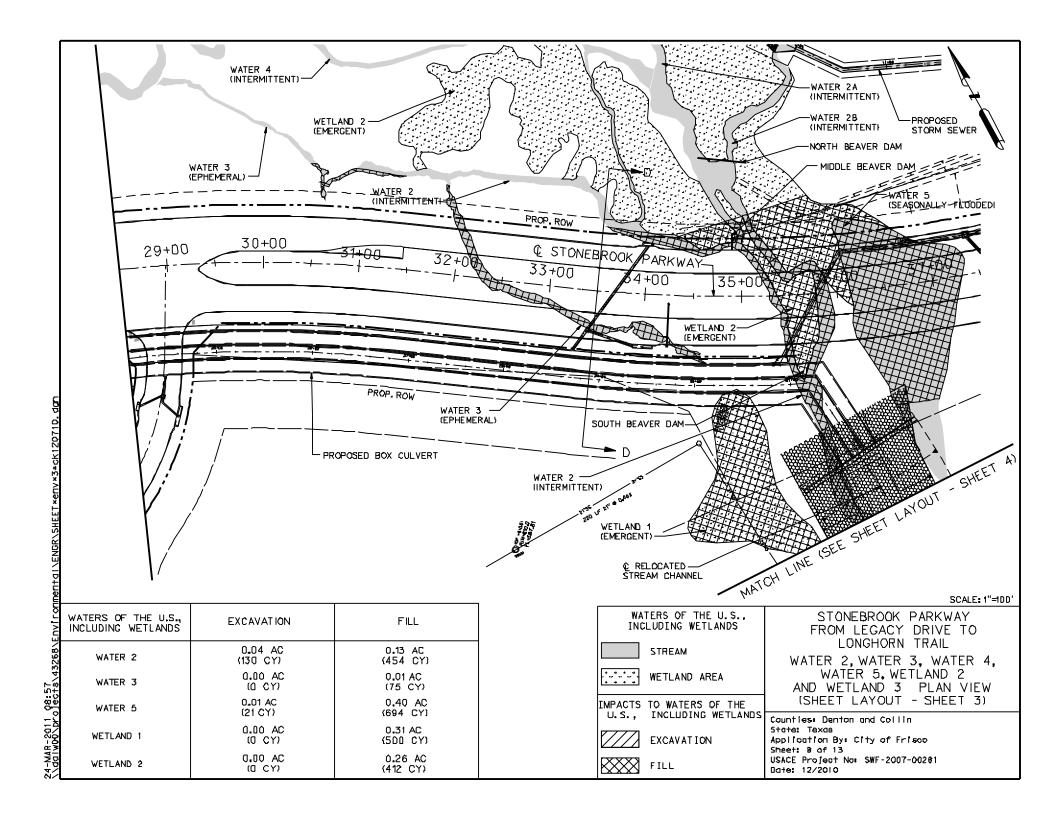
IMPACTS TO WATERS OF THE U.S., INCLUDING WETLANDS

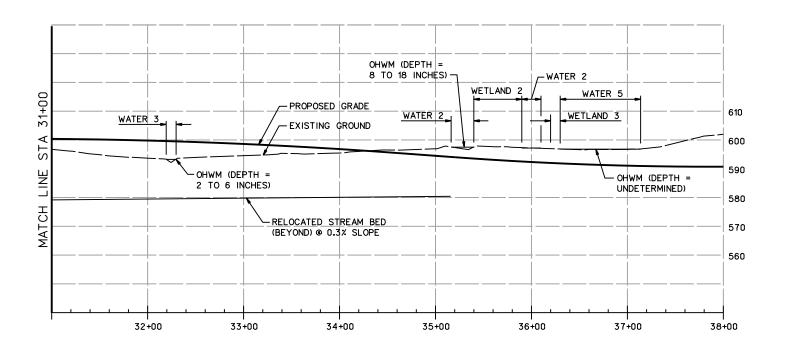


EXCAVATION



Counties: Denton and Collin State: Texas Application By: City of Frisco Sheet: 7 of 13 USACE Project No: SWF-2007-00281 Date: 12/2010



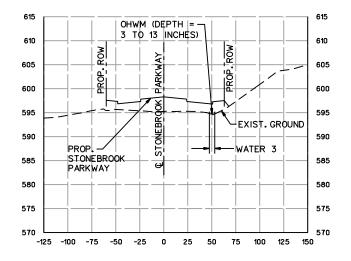


SCALE: HORIZ 1"=100" VERT 1"=30"

STONEBROOK PARKWAY FROM LEGACY DRIVE TO LONGHORN TRAIL

WATER 2, WATER 3, WATER 5 WETLAND 2 AND WETLAND 3 PROFILE VIEW

Counties: Denton and Collin State: Texas Application By: City of Frisco Sheet: 9 of 13 USACE Project No: SWF-2007-00281 Date: 12/2010



SECTION 'D-D' & STONEBROOK PARKWAY STA 33+50

SCALE: HORIZ 1"=100" VERT 1"=20'

STONEBROOK PARKWAY FROM LEGACY DRIVE TO LONGHORN TRAIL

WATER 3 CROSS SECTION 'D-D'

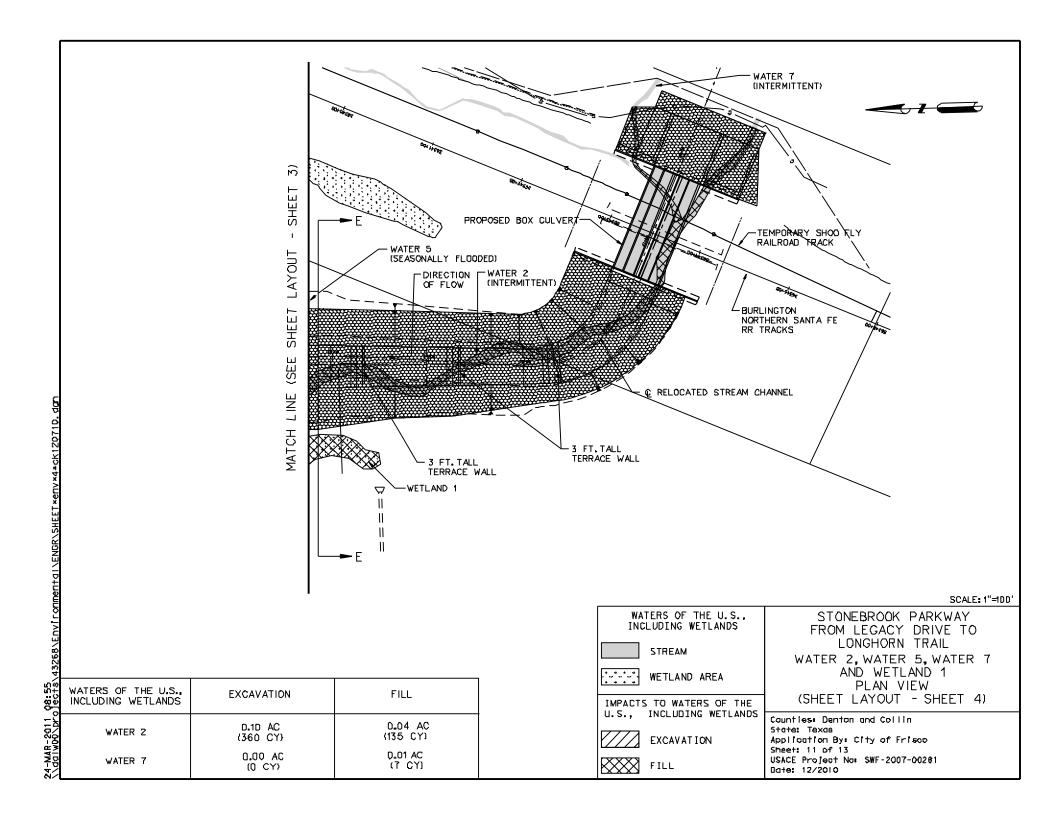
IMPACTS TO WATERS OF THE U.S., INCLUDING WETLANDS

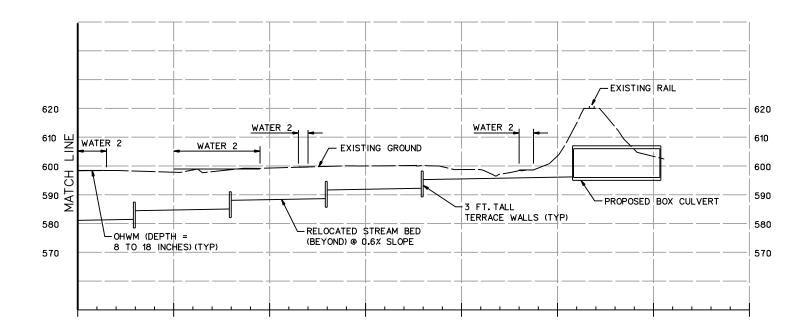


EXCAVATION



Counties: Denton and Collin State: Texas Application By: City of Frisco Sheet: 10 of 13 USACE Project No: SWF-2007-00281 Date: 12/2010



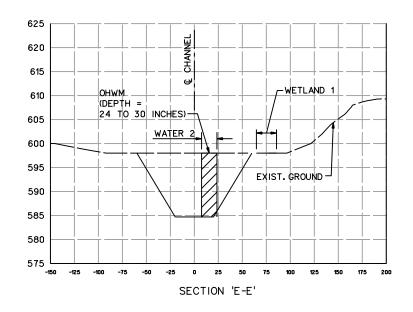


SCALE: HORIZ 1"=100' VERT 1"=30'

STONEBROOK PARKWAY FROM LEGACY DRIVE TO LONGHORN TRAIL

> WATER 2 PROFILE VIEW

Counties: Denton and Collin State: Texas Application By: City of Frisco Sheet: 12 of 13 USACE Project No: SWF-2007-00281 Date: 12/2010



SCALE: HORIZ 1"=100' VERT 1"=20'

STONEBROOK PARKWAY FROM LEGACY DRIVE TO LONGHORN TRAIL

WATER 2 AND WETLAND 1 CROSS SECTION 'E-E'

IMPACTS TO WATERS OF THE U.S., INCLUDING WETLANDS



EXCAVATION



Counties: Denton and Collin State: Texas Application By: City of Frisco Sheet: 13 of 13 USACE Project No: SWF-2007-00281 Date: 12/2010